IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.7984 OF 2004**

Shri Pandurang Krishnaji Argade ... Petitioner

V/s.

Deshstha Rigvedi Brahmin
Shikshanottejak Sanstha & Ors. ... Respondents

Mr.A.V. Anturkar for Petitioner
Mr.Y.S. Jahagirdar for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JULY 13, 2005**

**P.C.:**

. The Petitioner has challenged the concurrent findings of fact of both the Courts below. The respondent No.11 is the owner of the suit premises. Respondent Nos.1 to 10 sold the premises to Respondent No.11. Respondent No.11 has sought to terminate tenancy of the petitioner on various grounds. The Petitioner challenged the letter of attornment to Respondent No.11 filed in the suit for possession. Both the Courts below have found that there are sufficient averments on record including the letter of attornment, mutation entry and the admission of the petitioner to show that respondent Nos.1 to 10 had in fact sold the premises and that the suit premises had changed hands. It is submitted on

behalf of the Petitioner that in view of provisions of sections 91 and 92 of the Indian Evidence Act, 1872, it was necessary for the respondent to produce the sale deed on record which apparently had not been produced. The judgment of this Court in the case of *Shri Balkrishna Daulati Bansode v/s. Shri Taher Mahmud Sutar,* **2001(4) BomCR 451** is pressed into service on behalf of the Petitioner. The facts in that case were different as the tenant in that case had consistently contended that the property had not been sold to the plaintiff. In the present case, apart from the documents on record, the Petitioner has admitted in evidence that the property had been sold to Respondent No.11. Petition rejected.

2. Mr.Anturkar seeks time to vacate the premises. Time granted upto 31.12.2005 on condition that the Petitioner shall file an undertaking in this Court in the usual terms within a period of two weeks from today.